

REDACTED

From: Melissa Gastgaber <melissag@salander.com>
Date: March 12, 2007 1:25:05 PM EDT
To: EARL DAVIS <mellowpad@earthlink.net>
Subject: Re: Larry - re: Monday

Dear Earl,

I'll answer your question first and then ask a couple of you, they are related anyway.

First of all I agree that a lawyer of yours is OK with me, whomever he/she is will be a necessary component of any settlement we may reach. The thing is Earl, whether or not you believe it, there is a human component in this – you and me. A lawyer, unless he/she is your brother, lover or child, goes home every night and does not give his work regarding matters of money, except collecting their own, any thought. I believe both of us can think of little else – this has been very difficult for me too. As I see it we must need reach and agreement that is the product of a personal and professional context that no one but the two of us can fully understand and certainly not someone completely outside our experience. More important is that it hurts me that you will not telephone me even though I've asked you more than a few times and left more than a few messages. It is my belief that any deal we make will need to be made man to man – we can explain it to a lawyer who may then write it up, suggest things we missed and deal with the legal issues you and I do not know. I am willing to meet you anywhere you'd like – I am very, very anxious to get this behind us.

One thing I would ask you: how do you think it benefits either you or your father to bad mouth me to individuals, two of whom you met through me, that are active participants in the world of art? Do you think that the satisfaction that you get from these acts of vengeance will make it easier for me to earn the money to pay you back? I have already begun a program of selling off inventory to put myself in a position to do so. The "word" you are spreading about me is wrong in the face of it and what is more represents an attack on the very person who has worked so hard on your behalf and that of your father and person who has been and still is a loving friend. You should also know that you are hurting innocent people like my kids, my wife and all the other people here who benefit from this place like you and your father did – artists and the 30-odd people who make a living here. You are also hurting yourself and your family because whomever you talk to about me within the trade will say one thing to you and another to me. They will end up with little respect for either of us – they will use your word and extrapolations to them to the worst, darkest place of their own hearts, as it relates to me, and wonder what kind of person would bad-mouth a long time friend in public.

Earl, whatever you imagine I did with premeditation or with any forethought is wrong. The fact is, it is in the end, this is only about money and not a betrayal. As you know I have been betrayed myself at the highest level of hurt. Maybe I was and am wrong to think that I was complicit in that act of betrayal (Billy and Barbara). She, at least, acted on a need I could not fulfill. I believe that if I had not followed through on all the things I did professionally, on Stuart Davis' behalf, if I broke promises regarding my intentions (like the catalogue raisonne, planning and ensuring exhibitions in the US and Europe, advertising and catalogues for the many exhibits we presented including at least one that was strictly for the public's enlightenment <the late works> where nothing was for sale and the only gain was to the better understanding of your father's accomplishments early and late, other than reflected glory and the knowledge we were doing the right thing) – if I had failed to follow through on all that, all these things I represented to you I would do, it would have been a betrayal that would have made the issue of money mute. I'm sure you will agree that without all this time, energy, resources (financial, emotional and physical) we poured into this great good work I would owe you, at this point, very little money indeed. As you know, by far the largest percentage of works sold are works from the periods of your father's paintings that were little known before and still nowhere near as sought after as the work from the 30s, 40s and 50s - the kind of works that the estate had, by the time we met, very little of. And yes, the kind of works that brought the two big prices at auctions.

So it comes down to money, and a lot of it. I have already promised you I will pay you every cent I owe you and as quickly as I possibly can. There is only one way to make it much more difficult to live up to this promise, which is to make it much more difficult to earn my living, which you do every time you talk about me negatively to anyone else. I even arranged for you to be paid if I died (my idea if you recall). A betrayal would be if I did not follow through with all the promises to pay – and even then it is only money.

You have the right to say, "Yeah but it's my money" – and that it is. The meeting between you and me in necessary because of the context of our entire relationship. Believe me when I tell you that relationship weighs heavily in how I react to our business and to information that you have been speaking in negative terms about me to highly placed people in my profession. I would not be writing this letter nor would I likely want to sit down with anyone else who may be trying to destroy me. I will not and cannot believe you would want that – money aside. The point is without our context it might appear, or be made to appear, that I have been a typical prick. I have learned enough about lawyers to know that in making an agreement on their client's behalf (which is their job up to a point) anything goes. Like when they bring up a woman's past sexual experience to use

against her in a rape case.

I want to get together personally to figure this out and prevent the lawyers from feeling they have a right, even a responsibility, to approach this in what they see as their (which is often wrong) client's interest. Not that they lose any sleep if they lost a case like this. Shit, they sleep when their clients get sent to jail for 15 – 20 years or worse. The sleep after they lose an argument in front of the Supreme Court, which allows for the "election" of a person who has sent so many people to slaughter, both American and Iraqi, etc.

Finally and most importantly I want to make sure you still think I am a human being, at least, and hopefully a friend and ally. One thing is certain, like everyone else, I am a failed person. More failed than many; I do keep trying. One of my failures is that I am self-protective enough to have been rejected by you enough. Therefore, and please do not take this as a threat because it is not, I will not try again to meet with you one on one. If you insist I will consider meeting only with you and your lawyer – again, *consider* it. The question is – what are you afraid of? I mean why won't you meet with me one on one? If you are afraid of your humanity and can stand back from it by avoiding personal contact you will soon not have to worry about it (your humanity I mean) at all.

Frankly, I am not optimistic. The money must be where it is at because I did notice that you made no mention of Ivana and her baby. I am very, very hurt by that – it is beneath you. I am trying very hard to understand what could make you behave like that. If it is the money I've wasted your time and mine; if you are acting as one betrayed I beg you to believe there was no betrayal here. When we have reached the point where you do not even acknowledge the fact that my daughter whom you have known all her life has had a baby you are taking it (whatever it is) out on the wrong people. I know you well enough to understand that you need to feel strong when confronting this whole fucking thing: that to the extent you know that I know you feel manipulated I would bring it up anything personal in the context of this business; that you feel it is unfair to remind you of our long loving friendship – so you ignore it. Earl, the context is real, believe me, and you know it. What is more our personal relationship is tied up with our professional one. You have reaped much from that arrangement. You cannot put it aside where it might add something that would soften your position or make you try to understand mine. If I was not me and you were not you we would both approach this differently.

All the above is the answer to your question. For the very last time then, will you meet with me? Will you call me to talk?

Love,
Larry

On 3/9/07 5:57 PM, "Earl Davis" <mellowpad@earthlink.net> wrote:

Dear Larry -

You'll have to explain why you think it would be a 'mistake'.

After a year of trying to retrieve my art and payments through such private meetings with you - you will understand my reluctance to want to pursue that course again. I am curious to at least know what you have in mind to discuss that can't be done in front of my lawyer?

Earl

On Mar 9, 2007, at 11:26 AM, Melissa Gastgaber wrote:

Dear Earl,

I would be happy to meet with you and your lawyer. I know it would be a mistake to meet with anyone until you and I sit down together. I don't understand why that would be so difficult for you any more than it would be for me.

If I meet you Monday I will be glad to see you and your lawyer Tuesday. Please Earl – I'll come to you if you will. On Monday I cannot meet any later than 1pm because of previous afternoon commitments. Let me know.

Larry

On 3/8/07 10:26 PM, "Earl Davis" <mellowpad@earthlink.net> wrote:

Dear Larry,

Monday is fine, if 1:00 is good for you. While I appreciate your desire to meet one-on-one, now that I have retained legal counsel it will be necessary for one of my lawyers to come along.

A concrete proposal from you would be enormously helpful to facilitate our discussion.

Please confirm if 1:00 is good.

Thank you,
Earl

